

Appl. No. : 10/603,498
Filed : June 24, 2003

REMARKS

In the Office Action, the Examiner rejected all pending claims, namely Claims 1-28, based on U.S. Patent Application 2004/0022311 (hereinafter the Zerbe reference). The Applicants thank the Examiner for the detailed action and his effort to date.

In response, the Applicants submit herewith two Affidavits under 37 C.F.R. § 1.131. The Applicants submit that the relevant date of the Zerbe references is its earliest filing date, which is July 12, 2002. Applicants invented prior to this date and request acceptance of the enclosed Affidavits under 37 C.F.R. § 1.131 as proof thereof.

In the Affidavits under 37 C.F.R. § 1.131 the Applicants have submitted evidence that the inventors were in possession of every element of the claims prior to July 12, 2002. The Applicants moved diligently to reduce the invention to practice and file a patent application to protect their invention. In addition, no disclosure was made, by the Applicants, which would constitute a bar under 35 U.S.C. § 102(b).

By inventing prior to July 12, 2002, and providing sufficient proof of such invention, the Applicants submit that the Zerbe reference does not qualify as prior art and the rejection based on the Zerbe reference should be withdrawn.

Applicants submit that no other prior art references were cited in the Office Action and as such, Applicants believe the claims of the present application are now in condition for allowance. The Applicants have taken no action, such as claim amendments, that would necessitate another search.

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SUMMARY

Applicant asserts that Claims 1-28 are in a condition for allowance and respectfully requests a notice as to the same. If any matters remain outstanding, the Examiner is invited to contact the undersigned by telephone.

Dated: 9/2/05

Respectfully submitted,

By: C. Miller

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